

C-EXHIBITS  
for  
Declaration Pursuant to

# Claims for Damage or Injury

- #1. Name of Claimant/Victim  
ANTHONY NESBIT A0701329
- #2. Address  
Halawa High Security Facility  
99-902 Moanalua Hwy Mod C Quad I  
Aiea, HI 96701
- #3. Phone N/A
- #4. Occupation - (inmate)
- #5. Place of Employment N/A
- #6. Location of Incident/ address  
HHSF 99-902 MOANALUA Hwy  
Aiea, HI 96701
- #7. Date of incident/ address  
2/13/03 HHSF 99-902 MOANALUA Hwy Mod C  
Aiea, Hawaii 96701

See next page for Cont.

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FEB 20 2003

DASS - ISO/RISK MANAGEMENT

group exhibits

C

Declaration of [Name]  
 from

# 8 Description of incident (State in detail all known facts, circumstances, identify person and property, and where you believe the state of Hawaii is at fault)

In the middle of February I was Transferred to the Halawa High Security Facility from the High Medium Security Facility and apparently I had received enough high points from the Classification Committee to be Transferred to HHSF even though I was never a manager, problem or received any serious write ups and I even demonstrated a willingness to lead a positive productive life while in prison. My only unfortunate Circumstance for receiving a high point Classification was my Arrest Record.

Upon arriving at HHSF I was asked by the Guard if I was in a Gang? and I said no, then I asked the Guard why? he said he wanted to know because there plenty prison gang members here and he did not want to mix me in with the wrong side. It is apparent that HHSF does pursue the Separation of Prison Gangs Members because if they were put together they would kill each other. Try to, so as to ensure the Safety of the Gang members they are Separated from Opposite Sides.

But the Focus of this Claim will be that HHSF does not Separate Non Member inmates like myself in order to ensure my safety and when I say Separate me a Non Member of any Gang I mean Separate me from either side of this Prison Gang Environment at present Non Members are housed with either one side or the other of these warring Factions, there is no place to keep the Non Members of Gangs and as a result we Non Members are thrown together in this Gang Environment placing us in immediate Danger to our Safety and well being. There is a liability and Fault with the State in providing Safety, over

Declaratory Paragraph # 11

Gang Members and Not looking out for my Safety. Consider this if it is Dangerous to mix Opposite Prison Gang Members then how much more Dangerous is it to place a Non Member on either side of Obviously a Violent situation, Gang Members see Non Members new arrivals as Targets for recruitment and indoctrination and to get Non Members to join the Gang Members use Coercion, intimidation, and psychological Manipulation for recruitment purposes.

Now it is tragic that Me and Men like me (Non Members) given the Chance could lead a positive productive life in prison, but because of the Circumstances we are placed in by HHSF we are cut short to achieve our desired Goal instead we are expected to ruin through this Gauntlet of Prison Gang members and how much Chance do we have of surviving.

The State of Hawaii is at fault and error in Not pursuing the Health and Safety of Prison Gang Members placing Me and Men like me in a Precarious and Dangerous Situation.

And then on the other hand provide a Safe environment for known and admitted Prison Gang Members by actively pursuing and separating Opposites Side to ensure their Safety.

Me as a Non-Member who refuses to join and never wanted to be a Part of this in any way is placed in extreme and immediate danger, all I want is to lead a positive prison life free from harm or threat and the State does not provide this and the Recruitment of Prison Gang Members continues to grow. What Chance do these uneducated Men have.

The Fault is with the State of Hawaii (HHSF) in Not providing a safe Non Member environment and in knowing before hand the Danger Gang Members are, separating them and risk to all inmates they are housed with, and failing to provide a safe environment for Non members of gangs and placing me in immediate threat and danger to my life. End

Declarator Paragraph #11.

#9 (Witnesses to incident/injury/damage or loss  
 HHSF medical Unit has records of inmates  
 that have been attacked by Gang Members.  
 Fatally. This includes Non Members being shot  
 HHSF Has records and files on Gang  
 Activities and identified Members, and knows  
 the Danger involved. also HHSF policy and proc  
 concerning the Reputation of Opposite Gang Members

#10. Property Damage or loss -  
 (immediate.)  
 Threat to my Health and Safety

#11. Personal injury.

I am not waiting around to get killed before  
 I file a Claim  
 immediate - Threat to Health and Safety Daily

#12. Amount of Claim

Personal Injury \$10,000.00

Dated 2/18/03

Anthony Nishet 407013

signature of person filing Claim

HHSF Mod. 2 Quad I

99-902 MAANALUA Hwy

AIEA, HI 96701

Form (7/91) Rmtc



LINDA LINGLE  
GOVERNOR



RUSS K. SAITO  
Comptroller

KATHERINE H. THOMASON  
Deputy Comptroller

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES  
P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

*EXHIBIT G-2*

*Declaration paragraph 12.*

February 20, 2003

Mr. Anthony Nesbit  
99-902 Moanalua Road  
Aiea, Hawaii 96701

RE: Tort Claim - Incident dated: 2-13-03

Dear Mr. Nesbit:

The Risk Management Office has received your tort claim form for the above.

Due to the nature of the allegations, your letter has been referred to the Department of the Attorney General. All future contact should be to:

Department of the Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813  
Phone: 586-1494

Thank you for your attention and cooperation. If you have any questions, please call me at 586-0550.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Ugalde".  
Julie A. Ugalde  
Risk Management Officer

C: Department of the Attorney General

LINDA LINGLE  
GOVERNOR



MARK J. BENNETT  
ATTORNEY GENERAL

RICHARD T. BISSEN, JR.  
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
Civil Rights Litigation Division  
425 QUEEN STREET  
HONOLULU, HAWAII 96813  
(808) 586-1494

*EXHIBIT G-4*  
*for*  
*Declaration August 13.*

April 4, 2003

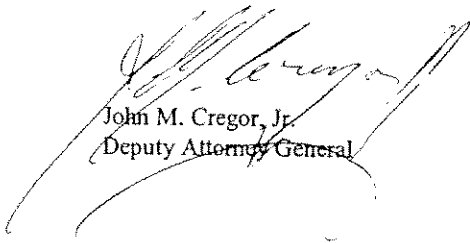
Anthony Nesbit A0701329  
HHSF 99-902 Moanafua Road  
Aiea, Hawaii 96701

Re: Tort Claim

Dear Mr. Nesbit:

I have reviewed your letter of March 17, 2003 addressed to the Department of the Attorney General together with the tort claim that you submitted on or about February 20, 2003. Unfortunately, you have not submitted a claim for which this department can afford you relief. Questions of classification of inmates as well as the responsibility for their safety rests with the Department of Public Safety. Moreover, even if you had stated a claim, this office could not consider it because you have not exhausted your administrative remedies through the grievance process.

Very truly yours,

  
John M. Cregor, Jr.  
Deputy Attorney General

cc: J. Ugalde